

ORDINANCE NO. O2010-01

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, CREATING CHAPTER 15, ARTICLE I OF THE CITY OF WILDWOOD CODE; PROVIDING FOR DEFINITIONS; PROVIDING THAT CITY FACILITIES FOR THE COLLECTION OF REFUSE AND GARBAGE ARE ESTABLISHED AS A UTILITY; AMENDING ARTICLE II OF THE CITY OF WILDWOOD CODE; AMENDING SECTION 15-31; PROVIDING FOR REFUSE SERVICES; PROVIDING PROCEDURE FOR SETTING REFUSE FEES; PROVIDING FOR COLLECTION GENERALLY; AMENDING SECTION 15-32, PROVIDING THAT ALL REFUSE AND GARBAGE SHALL BE COLLECTED BY THE CITY; PROVIDING FOR EXCEPTIONS; AMENDING SECTION 15-33; PROVIDING THAT COLLECTION SHALL BE SUPERVISED BY THE DIRECTOR OF SOLID WASTE; AMENDING SECTION 15-34; PROVIDING FOR PRIVATE COLLECTION PERMITS; AMENDING SECTION 15-35; PROVIDING FOR COLLECTION IN NEWLY ANNEXED AREAS; AMENDING SECTION 15-36; PROVIDING FOR RESIDENTIAL AND COMMERCIAL CONTAINERS; AMENDING SECTION 15-37; PROVIDING FOR COMMERCIAL DUMPSTERS; AMENDING SECTION 15-38; PROVIDING FOR YARD WASTE; AMENDING SECTION 15-39; PROVIDING FOR COLLECTION OF TIRES, RIMS AND WHITE GOODS; AMENDING SECTION 15-40; PROVIDING FOR ENFORCEMENT OF DELIVERY FEES; DELETING SECTION 15-41; RENUMBERING SECTION 15-42; RENUMBERING SECTION 15-43; ADDING A NEW SECTION 15-43; REPEALING ORDINANCE NUMBERS 254, 394 AND 402; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR AN EXCEPTION TO CURBSIDE PLACEMENT FOR HANDICAPPED CUSTOMERS; PROVIDING FOR FEES; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

Be it ordained by the City Commission of the City of Wildwood, Florida:

SECTION 1. Chapter 15, Article I, Sections 15-1 through 15-3 is created as follows:

ARTICLE I. IN GENERAL

Sec. 15-1. Short title.

This chapter shall be known and may be cited as the municipal refuse collection and solid waste ordinance.

Sec. 15-2. Definitions.

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

Automated Collection is a system of waste collection that utilizes automated or semi-automated refuse containers or dumpsters and collection vehicles capable of automatically or semi-automatically picking up and unloading the refuse container.

Available means the city has sufficient resources available to extend its garbage collection and disposal services to an area.

Biohazard Waste is any solid waste or liquid waste that may present a threat of infection to humans. The term includes but is not limited to non-liquid human tissue and body parts, laboratory and veterinary waste containing human-disease-causing agents, used disposable sharps, human blood, human products and any body fluids and any other materials such as needles representing a significant risk of infection to persons outside of the generating facility or defined as "biohazard waste", "biomedical waste", or biological waste under state or federal law.

Building Official is the director of the building zoning and licensing department.

Bulk waste is solid waste generally described as large items such as furniture, mops/brooms, scrap lumber/construction waste, household appliances and other metals.

Citation is a written notice, issued to a person, which has probable cause to have committed an infraction in violation of a duly enacted ordinance of the City of Wildwood.

City is the City of Wildwood, Florida.

Collector is any person (1) employed by or who contracts with the City who is engaged in the collection, transportation and disposal of municipal solid waste from residential, commercial, industrial, institutional or other establishments.

Commercial and Industrial Premises is all premises except residential premises.

Commercial cluster is an area developed and maintained as a single entity according to a plan containing commercial units which have a common or public open space as an appurtenance.

Commercial Solid Waste Container is a dumpster, roll off box or other container for municipal solid waste approved for commercial use approved by the City of Wildwood.

Compost material is grass clippings, hedge clippings, leaves, twigs, and similar material.

Construction and Demolition Debris is discarded materials considered to be non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, wallboard and lumber, from the construction or destruction of a structure as part of a construction or demolition project. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

Container residential solid waste collection is the collection of residential solid waste from dwelling units who's refuse is collected by means of a refuse container.

Contained Yard Waste is yard waste which is placed in containers provided by the customer. Acceptable provided by the customer shall be plastic yard bags not to exceed 32 gallon capacity and do not weigh more than 50 pounds. The bags shall be strong enough to support the weight of the

contents without tearing ripping or breaking upon collection.

Container is a serial numbered container issued by the City with a capacity of a 32 or 96 gallons, on wheels for rolling with a non removable hinged lid suited to automated or semi automated dumping equipment approved by the municipality.

Contractor generated waste is construction and demolition debris or yard waste or any combination thereof generated by builder/contractors privately employed tree trimmers, landscape services and or yard maintenance services and nurseries.

Containerized Residential Solid Waste Collection is the collection of residential solid waste from dwelling units whose refuse is collected by means of a central or shared commercial municipal solid waste container and not by means of a refuse can.

Curbside is that portion of the right of way adjacent to and abutting the traveled city street and alleys. The intention of a curbside designation is to allow collection in a rapid manner with walking or reaching minimized. In all cases the City Manager or Director shall have the authority to approve or specify the precise location for such curbside service.

Curbside pickup service is the service provided for the collection of relatively small quantities of refuse through the automated collection system.

Department is the City of Wildwood Public Works Department.

Director is the Director of Public Works of the City of Wildwood, Florida.

Dumpster is a City issued container ranging from 2, 4, 6 or 8 yards for the removal of solid waste.

Dumpster Lock is a locking device provided by the Department for commercial sanitation customers requiring lock service. The lock operates with a master key and is the only lock a customer may use to secure its dumpster enclosure with gates.

Dumpster Pad is construction of a concrete pad at a location approved by the public works department that is constructed according to city specifications and codes.

Dumpster Pad Enclosure is a three sided structure used to enclose a dumpster pad. The enclosure may include attachment of swinging gates at the dumpster service entrance of the pad. The enclosure must meet City specifications and codes.

Dumpster service is the service provided for the collection of large quantities of refuse through the use of bulk containers containing two (2) cubic yards or greater which are capable of being mechanically dumped.

Dwelling is any building, or portion thereof, which is designed to be used, or is actually used, as living quarters for one or more persons, families, or households. Such a building must be supported by, at a minimum, walls which are complete from bottom floor to roof.

Dwelling unit is a room or group of rooms which is equipped for independent housekeeping and is occupied, or is intended to be occupied, by not more than one person, household, or family.

Electronic Waste is telephones, televisions, fax machines, printers, copiers, scanners, monitors, microwaves, cell phones, other electronic devices or devices containing a cathode ray tube are considered to be hazardous waste.

Excavation, construction and demolition waste shall mean building materials and rubble including but not limited to earth, stone, brick, flooring lumber, plaster, roofing and any other waste resulting from construction, remodeling, repair or demolition of any building, pavement or other structure.

Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food. All accumulations of animal, fruit, or vegetable matter attends the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature which is subject to decay, putrefaction and the generation of noxious and offensive gases or odors, of which, during and after decay may serve as a breeding or feeding material for flies or other germ-carrying insects, and bottles, cans or other food containers which due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Gated Communities is a residential development with privately owned homes and roads where ingress and egress to the development is controlled by gates or other forms of security. These communities must provide the municipality with access according to the type of entry. (Combination, key, etc.).

Hazardous Waste is waste which requires special handling due to its acute or chronic effects on air and water quality and on the health and welfare of the public, including, but not limited to material designated as hazardous waste in any federal, state, county or city statute, regulation or ordinance also that waste which is determined to be hazardous by department of environmental protection agency or any other federal agency.

Industrial Solid Waste is municipal solid waste generated by manufacturing or industrial processes that is not considered as hazardous waste.

Limb Burner is a municipal owned and operated wood waste facility, to dispose of limbs and yard debris.

Litter is any garbage, rubbish, trash refuse, can, bottle, container, paper or other like material, which is not containerized.

Nonpermanent Donation Center is any container trailer or other device requiring a permit that is manned or unmanned on public property used to accept donation of clothing, furniture, household goods or other items intended for reuse.

Owner is a person who owns, leases or occupies property.

Pallet is a portable platform made of non-pressure treated wood used for storing or moving cargo or freight. Pallets of this type are recyclable and shall be disposed of as clean wood waste.

Person. The term person shall include a nature person, a partnership, or corporation.

Private Road is an undedicated paved or unpaved thoroughfare that provides vehicular access to developed property and is the property owner's responsibility to maintain for municipal equipment to travel.

Rates means those charges, fees, fines and surcharges adopted by the City Commission by resolution for the collection, disposal and management of municipal solid waste and yard waste and recyclable materials, white goods and tires.

Receptacles are containers, other than roll-out container, generally used for residential dwellings.

Recyclable Commodities are items which after processing can be reused, which would otherwise be processed as municipal solid waste.

Recyclable Dumpster is a City approved dumpster specifically colored and labeled for the collection of specific recyclable commodities.

Recyclable material means those materials which are capable of being recycled or composted and which would otherwise be processed or disposed of as solid waste.

Recycling means any process by which solid waste, or materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Refuse shall include garbage and all trash, rubbish, paper, glass, and any other discarded matter which is abandoned for disposal.

Rerouting is the purposeful or unintended altering of a planned collection route, which prevents the collection of municipal solid waste at the time service is normally provided. Purposeful or unintended altering may include but is not limited to obstruction, inaccessibility customer request or complaints from nearby residents.

Residential cluster is an area developed and maintained as a single entity according to a plan, containing dwelling units which have a common or public open space as an appurtenance.

Roll out container is the container which has been furnished by the city and used for the collection of relatively small quantities of refuse through the use of the automated collection system.

Sanitary Nuisance is a condition created by any person, or the maintaining, existence or permitting of anything by a person by which the health or lives of individuals may be threatened or impaired or by which disease may be caused or transmitted.

Solid waste means all solid wastes (except body wastes) including garbage, yard or garden trash, yard waste, trash and waste of any kind.

Solid Waste Management are those employees of the department who are responsible for investigating and monitoring the process by which municipal solid waste is collected transported and processed in accordance with this ordinance.

Swill shall include food scraps generated, either before or after cooking by a food preparer,

which may then be collected for feeding to swine.

Transfer Station is the legally approved and properly permitted site that is designated by contract for the disposal of all municipally collected solid waste, industrial waste, waste tires, and hazardous waste.

Trash is household discarded items, furniture, carpeting, beds, bicycles and any other discarded matter other than normal solid waste. Excluding hazardous waste.

Waste Tire or Rim is a tire from a motorized vehicle that is no longer suitable for its originally intended purpose and is no longer intended by the holder for vehicular use.

White goods are household appliances such as stoves, refrigerators, washers/dryers, and air conditioners.

Yard or garden trash shall mean grass, leaves, tree or shrubbery cuttings or any other refuse which is horticultural in nature and incident to the care of any form of landscaping, whether natural or devised. Yard trash is worthless or waste matter of any kind generally resulting from yard maintenance.

Yard Waste is tree trimmings, brush, or other organic cuttings related to the maintenance of lawns or gardens that conform to City specifications that are not containerized and is appropriately placed at curbside for collection.

Sec. 15-3. Facilities established as public utility.

The facilities for collection and disposal of garbage, trash, rubbish and refuse, owned, operated and maintained by the city, together with all extensions thereof and replacements thereto, are established and declared to be a public utility for the use and benefit to the city, in the maintenance of public health and general sanitary conditions throughout the city; and the same shall be known as the city sanitation services.

Sec. 15-4 through 15-30 are reserved.

SECTION 2. Article II, City of Wildwood Code, is amended as follows (cross-throughs indicate deletions and underlines indicate additions):

ARTICLE II. REFUSE SERVICES

Sec. 15-31. General administration; setting fees; fees outside of the city.

~~(a) All living units, residences, institutions, agencies, businesses, industries, or other entities within the City limits requiring refuse services are required to purchase such service from the municipality or its designee.~~

~~(b) All aforesaid entities within newly annexed territory of the City will have 30 calendar days following receipt of notification by the City to begin City refuse services.~~

(a) Unless specifically excepted pursuant to Section 15-32 of this code, all Residential, Commercial, Industrial or other entities within the City limits of the City of Wildwood shall have their solid waste collected, conveyed and disposed of by the City of

Wildwood.

- ~~(b) All deposits and fees for the collection of solid waste shall be set forth by resolution approved by the City Commission in accordance with this ordinance.~~
- (c) Entities may be released by the City Commission from municipal refuse/solid waste pickup because of the nature, volume, location or other incompatibility of the individual service. Said release must be in writing and can be rescinded at any time by the City Commission with 30 days notice.
- ~~(d) A refuse deposit fee equivalent to two months service charge will be collected on all new residential and commercial accounts using containers. Accounts utilizing dumpsters will pay a deposit fee equal to one month service charge. These deposits will be held for application against any delinquent balance. Upon termination of service, the account holder may present the deposit receipt for a refund of the deposit, minus any outstanding obligation. The deposit fee will not accumulate interest.~~
- ~~(e) Refuse left at curbside is the responsibility of the resident until picked up by the City and then it becomes the property of the City.~~
- (fd) Services provided outside the boundaries of the municipality will be billed at a twenty five (25%) percent surcharge above the city rates as provided for in F.S. ch. Section 180.199(a), Florida Statutes.

Sec. 15-32. ~~Residential and commercial cans. Collection generally; exceptions.~~

~~(a) Individual residential units and commercial businesses requiring the use of containers (an individual business that does not produce enough refuse to require the volume of a dumpster) will be supplied by the city an automated refuse container.~~

~~(b) Containers will be picked up once a week.~~

~~(c) Residences and businesses that produce more refuse than the city provided container will hold, will be assessed a monthly surcharge fee for the second container; surcharge fees will beg established by resolution.~~

~~(d) All refuse must be bagged and contained inside the city provided container. Garbage not placed inside the city provided container will not be picked up.~~

~~(e) Containers must be placed at curbside to be picked up and qualify for the regular rate. A surcharge may be possible for non-curbside service.~~

~~(f) Containers must be placed at the designated spot facing the proper direction to avoid a surcharge or non-pickup.~~

~~(g) Exact time of pickup may vary from week to week. Refuse must be placed at curbside no later than 7:00 a.m., but no earlier than 12 hours prior to the customary pickup time. After pickup, containers must be removed from curbside and placed adjacent to dwelling by midnight the day of pickup to avoid code enforcement action.~~

~~(h) Street side holding areas (fenced or not) are not permitted.~~

~~(i) Refuse containers must be maintained in a reasonable state of sanitation and repair for health and safety reasons. The customer will pay for the replacement of containers damaged or broken from abuse or neglect.~~

(a) All solid waste and refuse accumulated in the city shall be collected, conveyed and disposed of by the city sanitation services. No person shall collect, convey over any of the streets or alleys to the city, or dispose of any refuse accumulated in the city without a written contract or permit approved by the city unless one or more of the following exceptions apply:

(1) *Exception for actual producers.* Nothing contained herein shall prohibit the actual producers of solid waste, or the owners of the premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste, provided such producers or owners comply with the provisions of this ordinance and with any other governing law.

(2) *Exception for outside collectors.* Nothing contained herein shall prohibit collectors of solid waste from outside the city from hauling such solid waste over city streets, provided such collectors comply with the provisions of this chapter and with any other governing law.

(3) *Exception for franchisee.* Nothing contained herein shall prohibit collectors of solid waste within the city under a franchise or other contractual agreement with the city from exercising all rights and completing all duties allowed and required under the franchise or other contractual agreement.

(4) *Exception for bonafide recycling program.* Nothing contained herein shall prohibit any person from collecting and recycling any recyclable material.

(5) *Exception for licensed commercial haulers.* Nothing herein shall prohibit licensed commercial haulers approved by the City for a specific type of collection at a specific location to haul solid waste pursuant to the license over city streets provided such haulers comply with the provisions of this chapter and any other governing law.

(6) *Exception for commercial tree trimmers, landscapers and lawn maintenance operators.* Nothing contained herein shall prohibit commercial tree trimmers, landscapers and lawn maintenance operators from hauling yard debris including branches, grass, and other types of yard debris over city streets provided such collectors comply with the provisions of this chapter and any other governing law.

(b) Commercial tree trimmers, landscapers and lawn maintenance operators shall dispose of all waste produced by their operation in compliance with this ordinance. They may either properly bag, package or place materials produced pursuant to tree trimming, landscaping and lawn maintenance curbside at the site where the waste was produced for pickup by the City or may transport it if properly approved of such transportation by the City.

(c) The producer of yard waste such as homeowner may transport yard waste from his or her home to the City limb burner site.

(d) Builders, building contractors and construction tradesmen shall be responsible for

removing from the site all excavation, construction and demolition wastes emanating from their work and shall use vehicles designed or outfitted so as to prevent the wastes carried therein from being blown, dropped or spilled from said vehicles. Building contractors shall contract for this service from the city's solid waste division or from a commercial hauler who is properly licensed and permitted by the city.

(e) Removal and disposal of garbage and refuse from both residential and commercial establishments shall be the responsibility of the city. The owner of the premises must contact the city to request service. If the volume or type of refuse generated is sufficient to warrant the use of collection equipment different than the city is able to provide, and this fact is so certified by the city's director of public works, then the owner may contract for refuse collection and disposal from a private collection person or corporation which is appropriately licensed and permitted by the city. This clause shall not apply to temporary building or construction sites.

Sec. 15-33. Commercial Dumpsters. Collection supervised by director of public works.

~~(a) — Two yard, four yard, six yard, and eight yard dumpsters are available.~~

~~———— (b) — Commercial customers may require standard service, two pickups per week; or double service, four pickups per week.~~

~~———— (c) — Commercial businesses which are required by law to have dumpsters with lids may request same in writing and expect a 30-day delivery time frame.~~

~~———— (d) — Metal may not be placed in dumpsters.~~

All solid waste accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection conveyance and disposal as the director finds necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof, and are subject to approval by the city council by resolution.

Sec. 15-34. ~~Grass and leaves~~ Private collector's permit.

~~(a) — Grass and leaves will be picked up at curbside once a week, only if contained in store bought lawn and leaf bags; or special purpose bags purchased at city hall, if approved by city resolution. The weight of each bag for pickup is not to exceed 50 pounds.~~

~~———— (b) — All customers are encouraged to use mulching type mowers to reduce the need for this city service.~~

~~———— (c) — Residents and businesses east of the centerline of Highway 301 (Main Street) must have bags at curbside according to schedule A in the refuse resolution.~~

~~———— (d) — Residents and businesses west of the centerline of Highway 301 (Main Street) must have bags at curbside according to schedule B in the refuse resolution.~~

~~———— (e) — Bags should not be placed on the traveled portion of city streets or in driveways, but should be accessible at curbside so as to minimize the time and effort required for~~

~~pickup. Collectors are not required to retrieve, open gates or lift bags over fences or other containment.~~

~~(f) Bags may not be left at curbside for any longer than three days.~~

~~(g) Commercial businesses will be charged as specified in the refuse resolution.~~

(a) No person shall collect or remove garbage or refuse from any premises in the city as a primary business endeavor, or transport garbage or refuse originating in the city, through the streets, alleys or public ways or dump, incinerate, or in any other manner, dispose of garbage or refuse or permit himself to be employed or engaged for any such collection or removal, transportation or disposal without having first secured a permit for providing such services from the city clerks office which has been approved by the director of public works.

(b) Before issuing any such permit the public works director shall require the execution of an application showing the name of the person to receive the permit, or in the case of an entity which is not a natural person, the names of persons who are responsible for performing such services for the entity, together with the business and home addresses of each of such persons. Each applicant for such permit shall pay an initial application fee of one hundred dollars (\$100.00). All refuse shall be disposed of only at a properly licensed and approved waste disposal site. The permit shall also contain the name and address of each owner or tenant from whose premises garbage or refuse is to be collected, whether on a permanent or temporary basis. Each time a private collector adds or deletes a customer within the city limits, he must notify the city public works director of the name and address of owner or tenant being added or deleted. Failure to do so shall be cause to revoke the permit. The permit holder shall provide to the city, upon request, records pertaining to any container placed in the city, including but not limited to contracts, and trip tickets, from which the permit holder may redact any information pertaining to specific charges levied against or paid by individual collection accounts or sites. The permit holder shall, however, provide to the city upon request a statement of the permit holders gross revenues derived from all customers within the city limits for a specified period of time, without itemization of charges to individual accounts or customers.

(c) The applicant for a private collector's permit shall furnish to the city evidence that such applicant is carrying a policy of public liability insurance, providing protection for the city and for all persons suffering injury, loss or damage to person or property by reason of the operation of equipment or actions of person employed by the applicant. Every such insurance policy shall be in such form and substance commonly in effect for such policies and shall be executed by an insurance company or companies authorized to do business in this state. Coverage shall be in the sums of not less than one hundred thousand dollars (\$100,000.00) for injury or death to any person and not less than three hundred thousand dollars (\$300,000.00) for injury or death to all persons by any one accident and not less than fifty thousand dollars (\$50,000.00) for damage to property resulting from any one accident. Each of said sums shall remain in full force each year the permit is granted and every insurance policy shall contain a provision whereby every company executing the same shall obligate itself to notify the city in writing at least thirty (30) days before any alteration, modification or cancellation of such policy is to become effective.

(d) The director of public works shall, however, issue a permit without the payment of a permit fee to (1) a bona fide collector of swill for the feeding of such collector's own swine when the owner of the premises from which such swill is being removed is regularly using the city sanitation services, and (2) bona fide collectors of meat scraps, bones or fat whose regular business is the rendering or processing of such wastes.

(e) No permits required by this section shall be renewed, including those outstanding on the effective date of this section, and no such permit shall be issued to any person unless the director of public works determines that the city is unable to collect, remove or dispose of certain garbage and refuse accumulations. All annual permits under this section shall terminate on the last day of the fiscal year of the city or at such time as the city acquires the ability to collect, remove or dispose of the garbage and refuse accumulations. Each permit holder shall make a written renewal application on forms provided by the city on or before October 1 of each calendar year, which application shall contain substantially the same information as the initial application and shall be accompanied by the required fee which shall be set by resolution by the City Commission. The granting or renewal of a permit pursuant to this section shall not be construed as a grant of a franchise or of vested rights. The permit required shall be in addition to an occupational license required by the city.

(f) The city reserves the right to reject any such application, or to revoke or suspend any such license or permit, if in the opinion of the city, the private collector is not operating in such a manner as to protect the public health or maintain sanitary conditions within the city.

(g) Franchise fee. A franchise fee shall be paid monthly by each permit holder in the amount of ten (10) percent of the permit holder's gross revenue collected from customers within the city limits for the preceding month, for all charges imposed for roll off service, including charges for furnishing open top and compaction type roll off containers, charges for transport of containers, and refuse disposal charges. If the city has reasonable cause to believe the permit holder is not reporting its gross revenues properly, the city may conduct an audit of the permit holder's books and records pertaining to customers within the city limits, for the previous three (3) years, and the permit holder shall submit all such records to the city at the permit holder's business location closest to city hall for inspection and audit upon request. If the audit discloses that gross revenues have been underreported by more than three (3) percent for more than any two (2) months during the audit period, the city may make copies of all records substantiating its audit findings, and the permit holder shall remit to the city the additional franchise fees due on the underreported revenues for the entire audit period, plus a penalty of twenty-five (25) percent of the amount of additional franchise fees due, and the actual cost to the city of conducting the audit. Failure to remit any amounts due under this subsection within thirty (30) days of the date of billing or demand by the city shall constitute grounds for revocation of the permit. Any amounts not paid within thirty (30) days of billing or demand shall bear interest at the highest rate allowed by law until paid in full.

Sec. 15-35. ~~Tires and Rims~~ Collection in newly annexed areas.

~~———— The city will pass on to the customer, the individual landfill charges for the following, plus a ten percent handling fee:~~

- ~~(1) ——— Car tire.~~
- ~~———— (2) ——— Car tire with rim.~~
- ~~———— (3) ——— Truck tire (up to size 900 x 20).~~
- ~~———— (4) ——— Truck tire (up to size 900 x 20) with rim.~~
- ~~———— (5) ——— Tire larger than size 900 x 20 will be charged at a per pound rate.~~

~~(6) Other.~~

~~To ensure timely pickup and proper billing for tires residents should follow the pay item procedure outlined in the refuse resolution.~~

When an area is annexed into the city:

a. All refuse and solid waste produced by any developed area that is annexed into the City which is not contracted with a refuse collector shall be required to utilize the services of the City or its designee for collection, conveyance and disposal of solid waste and refuse.

b. All refuse and solid waste produced by any developed area that is annexed into the City which is contracted with a refuse collector shall be required to utilize the services of the City or its designee for collection, conveyance and disposal of solid waste and refuse at the end of its contract with the refuse collector unless the refuse collector has obtained a permit and franchise pursuant to this ordinance.

Sec. 15-36. Trimming and limbs Residential and commercial containers.

~~(a) Delivery. The city will be has constructing a forced air limb burner. When operational, Residents are encouraged to bring yard trimming and limb debris to the burner grounds during advertised hours of operation at a fee to be set by resolution.~~

~~(b) Pickup.~~

~~1. Piles of trimmings and limbs (all grass and leaves need to be bagged per section 15-34) will be picked up at residents' curbside at no fee only if the pile does not exceed the following maximum size.~~

~~i. The maximum volume allowed for no charge pickup is two cubic yards as estimated by the public works director or his designee. Ground area covered and height of pile may vary within the maximum volume.~~

~~ii. No limbs shall be larger than six inches in diameter at any point and no larger than four feet in length for no cost pickup.~~

~~(c) Pay pile pickup.~~

~~1. There will be a charge for trimmings and limbs not conforming to the aforementioned two cubic yard criteria. The pay item procedure as outlined in the refuse resolution shall apply.~~

~~2. Residents are encouraged to take yard trimmings and limbs to the county landfill if they so desire or residents may contract with a private hauler permitted to perform this type of work in the city in lieu of city services.~~

~~3. Trimmings and limbs shall not be left at curbside for longer than five days unless a pay item procedure has been initiated with the city.~~

(a) Residential and commercial containers are scheduled for a once a week pick-up.

(b) Refuse shall be placed in a residential/commercial solid waste container assigned by the department no earlier than 7:00 p.m. on the evening preceding the collection day, at a curbside location within a distance of three (3) feet from any obstruction, facing the proper direction and not to interfere with or endanger the movement of vehicles or pedestrians.

(c) All residential/commercial solid waste containers must be removed by 7:00 a.m. on the day following the collection day. Street side holding areas (fenced or otherwise) are not permitted.

(d) No residential/commercial municipal solid waste containers, when filled shall exceed the capacity of the container. The container must be that the contents shall dump out readily when the container is inverted. Solid waste containers shall at all times have their attached lids fully closed.

(e) All residential/commercial municipal solid waste containers shall be subject to inspection, approval or condemnation by the director.

(f) Maintenance of all refuse containers shall be the responsibility of the user. Sanitation services may refuse to pick up or empty any containers which are not properly maintained or which are not compatible with or accessible by city sanitation service equipment.

(g) Each person issued a refuse container shall notify the city in the event the container is stolen, lost or damaged.

(h) Reports of missed collection service must be reported by 10:00 a.m. on following the day the service was scheduled to be performed. If it is verified by the department that the service was performed as scheduled, or that the container was uncollectable due to obstruction or overloading and the container user requests collection service to empty the container before the next scheduled collection day, the customer shall be charged a rerouting or extra dumping fee at the rate established by separate resolution.

(i) If a dwelling is to be unoccupied for any length of time the city shall be notified to pick up the container. Upon reoccupancy a container shall be reassigned to the dwelling.

Sec. 15-37. Other refuse Commercial dumpsters.

(a) ~~Refuse not covered in sections 15-31 through 15-35 shall fall in the "other refuse" category. This category includes furniture, white goods, carpeting, beds, bicycles, electronic goods, and other non-standard household garbage, and requires a pay-item procedure.~~

(b) ~~The items covered in (a) above are not permitted to be placed in cans or dumpsters.~~

(c) ~~Residents are encouraged to dispose of these items at the county landfill; however, the city will pick-up and dispose of these items for a service fee since these items are not~~

~~covered under normal residential or commercial monthly refuse rates for cans or dumpsters.~~

~~(d) The service fee to dispose of the items covered under this section will be based upon the size of the pile and cost of disposal of the pile. A minimum charge of \$10.00 per single item will be charged.~~

~~(e) Any pay items placed curbside in the city's right-of-way shall be picked up and disposed of by the city. At the time that the pay items placed in city's right-of-way are picked up by the city, city employees will photograph the pile. A minimum charge of \$10.00 per each single item will be charged.~~

~~(f) The charge for the pay pile will be placed on the customer's next utility bill. The customer will have an obligation to pay the charge for the pay pile pick-up in the same manner that the customer has an obligation to pay for any other utility charge. If the customer fails to pay for the pay pile pick-up charge along with the rest of the utility bill, the city will have the right to take any measure to protect its right to payment. Failure to pay all charges on a utility bill may result in termination of utility services, including water and sewer services, after notice.~~

~~(g) Refuse of this type is not permitted to remain at curbside for longer than five calendar days.~~

~~(a) Two yard, four yard, six yard, and eight yard dumpsters are available.~~

~~(b) Commercial customers may require standard service, two pickups per week; double service, four pickups per week.~~

~~(c) Commercial businesses which are required by law to have dumpsters with lids may request same in writing and expect a 30-day delivery time frame.~~

~~(d) Metal may not be placed in dumpsters.~~

(a) All places of business shall be required to use dumpsters furnished by the city if the volume of the municipal solid waste exceeds three 96-gallon containers.

(b) All new commercial or multifamily residential construction shall include designs for new dumpster pad construction or existing dumpster pad renovations to ensure the dumpster pads comply with city requirements and codes.

(c) Dumpster pads may only be used for the placement of city-owned dumpsters. No other dumpster, grease containers or other supplies may be placed on the dumpster pad or inside the dumpster pad enclosure.

(d) The city is not responsible for damage caused by refuse collection vehicles to any object not permitted to be on the dumpster pad or an improperly constructed dumpster pad, improperly constructed dumpster pad enclosure or malfunctioning dumpster pad enclosure gate.

- ~~_____ (e) Availability of dumpster sizes and dumpster schedules for pick-up set forth in separate resolution.~~
- ~~_____ (f) Additional or special pick-ups if requested on a short-term basis an additional charge will be made according to the fee established by separate resolution for the size container requiring the extra dump. Commercial establishments served by dumpsters which request more than ten additional pick-ups per year will automatically be upgraded to the next higher level of service as determined by the director after written notification of the service change is properly notified by certified mail to the business establishment.~~
- ~~_____ (g) The placement of hazardous waste, appliances, yard waste, tires, metal, building materials into a commercial municipal solid waste container or the unsafe overloading of such container shall be unlawful. It shall also be unlawful to allow the accumulation of any type of waste or litter outside the container. The municipality will not be responsible for the emptying of an overloaded dumpster or a dumpster containing unlawful contents. The removal of such items becomes the responsibility of the owner or manager of the business.~~

~~Sec. 15-38. Pay item procedure to be developed Yard Waste.~~

~~A pay item procedure will be developed which will accommodate items for pickup not covered in the standard residential or commercial monthly refuse rate and described in section 15-34, 15-35, 15-36, and 15-37. The procedure will be adopted and amended by resolution of the city commission.~~

- ~~_____ (a) Yard waste must be placed at curbside by 7:00 a.m. the day of the scheduled once a week pick-up.~~
- ~~_____ (b) Yard waste-leaves must be contained in 32 gallon leaf bags and not exceed weight limit of fifty (50) pounds.~~
- ~~_____ (c) All municipal loose yard waste not placed in bags shall be stacked neatly at curbside for collection must be no longer than 4 foot limb length and 6 inches in diameter. This debris must be away from guy wires, overhead wires and cables, overhanging tree limbs, mailboxes, fences, meter covers, telephone boxes, utility poles or other obstructions which would impair efficient pickup and removal.~~
- ~~_____ (d) When operational, residents may utilize the municipal wood waste facility for yard trimmings and limb debris during advertised hours of operation.~~
- ~~_____ (e) Collectors shall not be required to enter contained areas such as fences, locked gates or lift loose or bagged yard waste over these obstructions.~~
- ~~_____ (f) Yard waste shall not be set at curbside for longer than three (3) days prior to your scheduled pick-up day.~~

~~Sec. 15-39. Recycling Tires and rims and White Goods.~~

- ~~_____ (a) Recycling is offered on a city-wide, non-mandatory basis. Original recycling items are as follows:~~

~~_____ (1) Newspaper.~~

~~_____ (2) Tin.~~

~~_____ (3) Clear glass.~~

~~_____ (4) Aluminum.~~

~~_____ (5) Motor oil.~~

~~_____ Additional items may be added or deleted by resolution of the city commission.~~

~~_____ (b) Recycling will be by means of neighborhood recycling stations. These stations are drive through color keyed containers clearly marked for separate recyclables.~~

~~_____ (c) Recyclables may not be mixed and it is unlawful to place anything in a container or on the grounds of a city recycling station other than what is clearly marked on the containers.~~

~~_____ (d) It is unlawful to salvage from recycling centers. All materials left at recycling centers become the property of the city.~~

~~_____ (e) A nominal monthly service fee may be charged for set up, operation and maintenance of the recycling service centers as delineated in the refuse fee resolution.~~

~~_____ (a) Fees assessed for removal of tires, rims and white goods will be based on current fees assessed to the city for disposal with a ten percent handling fee. To ensure timely removal contact main office of municipality.~~

~~_____ (b) Any items placed at curbside in the city's right of way shall be picked up and disposed of by the City. The charge will be placed on the customer's utility bill. If there is no active utility account the responsibility or obligation for payment then becomes that of the property owner. The service fee to dispose of the items covered under this section set forth in separate resolution.~~

~~_____ (c) All airtight units shall have the doors removed prior to placing at curbside for collection. Refrigerators, freezers, air conditioner or any other appliances or white goods containing refrigerants will be considered special waste and may incur additional surcharges.~~

~~_____ (d) Refuse of this type is not permitted to remain at curbside for longer than five (5) calendar days.~~

~~Sec. 15-40. Pay item procedure enumerated. Enforcement of delinquent garbage and trash collection charges.~~

~~_____ (a) Initiation.~~

~~_____ 1. Either resident calls city hall requesting an estimate; or~~

- ~~2. A pay item pile is noticed and location is relayed to city hall which attempts to contact resident.~~

~~(b) Estimate criteria.~~

- ~~1. An estimate is generated based on the criteria set forth in the refuse fee resolution.~~
- ~~2. Other refuse will be billed based on estimated weight in pounds. The formula for the charge per pound will be set in the refuse fee resolution.~~
- ~~3. After the estimate has been developed the public works employee will fill out an official estimate form with a city utility technician and personally relay the estimate to the resident, explaining the charge as necessary.~~
- ~~4. The resident can reject the estimate and contact a private hauler permitted to do business in the city as long as the waste disposed [of] according to the state and county law and ordinances. This pickup must be accomplished within three days of the estimate contact for health and safety reasons.~~
- ~~5. If the resident accepts the estimate for the pickup, he/she must sign the work order to authorize the work performed and the subsequent billing.~~
- ~~6. The utility department will then arrange with the public works director or his designee a scheduled time for the pickup.~~
- ~~7. After the pickup has taken place the public works director or his designee will sign off on the work completed portion of the work order.~~
- ~~8. The utility technician will then enter the extra charge into the "other charges" portion of the computer billed account to be paid at the same time as the rest of the utility bill. In no case is the customer to be charged more than the estimate for the refuse picked up.~~

~~Sec. 15-41. Fees.~~

~~All fees payable pursuant to this article shall be set by resolution, and shall be amended as set by city commission from time to time.~~

~~Sec. 15-412. Enforcement of delinquent garbage and trash collection charges.~~

- ~~(a) The city shall have a lien against the property from which garbage and trash is collected to enforce payment of delinquent garbage and trash collection charges.~~
- ~~(b) The city shall have the right to seek collection of the garbage and trash collection charges in a court of law or through any other legal means. In the alternative, the city shall have the right to enforce the lien.~~
- ~~(c) In any action filed by the city for enforcement of the lien or collection of trash and garbage fees, the city shall have the right to reasonable attorney's fees and costs.~~

~~Sec. 15-423. Extension of solid waste and garbage disposal services to five-mile area around city.~~

- ~~(a) As used in this section, the following words and terms shall have the following meanings:~~

~~Available means the city has sufficient resources available to extend its garbage~~

collection and disposal services within 120 days after city services are available.

- (b) *Purpose.* The purpose of this section is to mandate use of municipal owned garbage collection and disposal services within 120 days after city services are available.
- (c) *Authority.* The authority for this section is derived from F.S. ch. 180.
- (d) *Area embraced and zone created.*
 - (1) This section shall be in full force and effect throughout a zone extending five miles in every direction from the corporate limits of the city.
 - (2) Mandatory use of city services. When a mandated garbage collection and disposal system is extended outside the incorporated boundaries of the city garbage collection and disposal, all existing areas on real property outside the incorporated boundaries of the city are required to use the city's services within 120 days after such services are made available. All ordinances, rules and regulations governing the services shall govern the services as extended outside the incorporated boundaries of the city.
- (e) *Extension of services not mandated.* Nothing in this section shall be construed to mandate extension of the city's services. The decision to extend the services rests in the sound discretion of the city commission.
- (f) *Rights.* The city reserves the right it is discretion to charge reasonable fees for use of city services and to impose rates, fees and charges in accordance with F.S. § 180.191.

Sec. 15-43. Prohibited Acts.

- (1) To place or cause to be placed any municipal solid waste or yard waste upon the property of another without the written permission of the property owner and the department.
- (2) To place municipal solid waste in plastic bags only without depositing such bags in a residential or commercial municipal solid waste container.
- (3) To commingle any municipal solid waste or non-biodegradable material with yard waste.
- (4) To place or store municipal solid waste on any property for a period of more than seven (7) days. With the exception of official holidays, which may interrupt the normal seven-day collection cycle, in which case collection may be postponed to the next working day or when severe weather or "Acts of God" make it impossible for the municipal solid waste collector to perform collection services using normal collection equipment.
- (5) To deposit any hazardous or bio-hazardous waste in any residential, commercial or roll off containers issued by the city.
- (6) To overload a residential or commercial municipal solid waste container so that it cannot be safely handled by automated or semi-automated equipment.

- (7) To block or prevent access to a residential or commercial solid waste container such that it cannot be collected by automated equipment at any time during normal collection hours.
- (8) No person shall burn, or bury any material or municipal solid waste, openly or within any pit or container of any fashion within the limits of the city.
- (9) Littering, to throw, discard or deposit debris in any manner or amount. Littering and dumping adversely affects the attractiveness, public health, safety and welfare of the community for its residents and visitors.
- (10) Cause, maintain, permit or allow the accumulation of any litter on any construction or building site before, during or after completion of said construction or building. It shall be the duty of the owner, or his agent, of the property in question to make adequate provision for the disposing of litter and to have on the construction or building site adequate facilities for the disposing of said litter and municipal solid waste and to make appropriate arrangements for the collection thereof.
- (11) No person shall obstruct access to any privately owned or leased, or city-owned automated collection container, which has been made ready for collection by the city. Should such an obstruction be caused by but not limited to, the placement of a truck, automobile, trailer, or any other type vehicle or object the director may cause the removal of the obstructing vehicle or object from the street, sidewalks, alleys or public grounds at the owner's expense.

Sec. 15-44. Special Exception to Curbside Placement Requirement for Handicapped Customers.

(a) The Director may authorize the continued collection of municipal solid waste from front property entry only upon finding the following condition:

No one living in the household from which the municipal solid waste is generated is able to physically move the refuse container from the house to the street right of way.

(b) In such a case a written request for special exception must be submitted to the City along with a sworn statement of a physician attesting to the customer's incapacity. There shall be departmental verification that no other member of the household exists that can perform this function.

(c) Approval from the City Manager or Director shall be made on a case-by-case basis.

(d) If the customer is approved for this special exception, a surcharge shall be added to the normal monthly bill. The surcharge shall be set by separate resolution.

SECTION 3. Ordinance numbers 254, 394 and 402, are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body

with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5. This ordinance shall take effect immediately upon its final adoption by the City Commission

PASSED AND ORDAINED this 22nd day of March, 2010, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST:

Joseph Jacobs
Joseph Jacobs, City Clerk

Ed Wolf
Ed Wolf, Mayor

First Reading

March 8, 2010

Second Reading

March 22, 2010

Approved as to form:

Jerri A. Blair
Jerri A. Blair
City Attorney